

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ENERTRODE, INC.,  
Plaintiff,

v.

GENERAL CAPACITOR CO. LTD, et al.,  
Defendants.

Case No. [16-cv-02458-HSG](#)

**VERDICT FORM**

Trial Date: November 13, 2018  
Ctm: Courtroom 2 — 4<sup>th</sup> Floor

WE, THE JURY IN THE ABOVE-ENTITLED ACTION, unanimously find the following on the questions submitted to us:

**CLAIMS OF LINDA ZHONG AND/OR ENERTRODE, INC.**

**I. BREACH OF CONTRACT**

ENERTRODE, INC. v. GENERAL CAPACITOR INTERNATIONAL, INC.,  
GENERAL CAPACITOR CO. LTD.

- 1. Is General Capacitor International, Inc. or General Capacitor Co. Ltd. liable for breaching the Technology License and Service Agreement?**

As to GENERAL CAPACITOR INTERNATIONAL, INC.: Yes No

As to GENERAL CAPACITOR CO. LTD.: Yes No

If your answer to Question 1 is “Yes” as to either or both defendants, **please answer Question 2.**

If you answered “No” for both defendants, **go to II. Inducing Breach of Contract – ENERTRODE, INC. v. ZHENG, GENERAL CAPACITOR LLC, Question 1.**

- 2. What are the damages to Enertrode, Inc.?**

\$ \_\_\_\_\_

**II. INDUCING BREACH OF CONTRACT**  
**ENERTRODE, INC. v. ZHENG, GENERAL CAPACITOR LLC**

- 1. Is Jianping “Jim” Zheng or General Capacitor LLC liable for inducing the breach of the Technology License and Service Agreement?**

As to JIANPING “JIM” ZHENG:	Yes	No
As to GENERAL CAPACITOR LLC:	Yes	No

If your answer to Question 1 is “Yes” as to either or both defendants, **then answer Question 2.**

If you answered “No” to both defendants, **go to III. BREACH OF CONTRACT – ZHONG v. GENERAL CAPACITOR INTERNATIONAL, INC., GENERAL CAPACITOR CO. LTD., Question 1.**

- 2. What are the damages to Enertrode, Inc.?**

\$ \_\_\_\_\_

### **III. BREACH OF CONTRACT**

**ZHONG v. GENERAL CAPACITOR INTERNATIONAL, INC., GENERAL CAPACITOR CO. LTD.**

- 1. Is General Capacitor International, Inc. or General Capacitor Co. Ltd. liable for breach of the Linda Zhong employment contract?**

As to GENERAL CAPACITOR INTERNATIONAL, INC.: Yes No

As to GENERAL CAPACITOR CO. LTD.: Yes No

If your answer to Question 1 is “Yes” as to either or both defendants, **then answer Question 2.**

If you answered “No” as to both defendants, **go to IV. MISAPPROPRIATION OF TRADE SECRETS, Question 1.**

- 2. What are the damages to Linda Zhong?**

\$ \_\_\_\_\_

#### IV. MISAPPROPRIATION OF TRADE SECRETS

ZHONG, ENERTRODE, INC. v. GENERAL CAPACITOR INTERNATIONAL, INC.,  
GENERAL CAPACITOR CO. LTD, GENERAL CAPACITOR LLC, ZHENG, CAO

**1. Was Linda Zhong and/or Enertrode, Inc. the owner/licensee of the Li Foil Idea?**

As to LINDA ZHONG: Yes No

As to ENERTRODE, INC.: Yes No

If your answer to Question 1 is “Yes” as to either or both parties, **then answer Question**

**2. If you answered “No” as to both defendants, stop and go to General Capacitor Claims, I, Breach of Contract.**

**2. Are defendants liable for misappropriation of trade secrets?**

As to GENERAL CAPACITOR INTERNATIONAL, INC.: Yes No

As to GENERAL CAPACITOR CO. LTD.: Yes No

As to GENERAL CAPACITOR LLC: Yes No

As to JIANPING “JIM” ZHENG: Yes No

As to WANJUN “BEN” CAO: Yes No

If your answer to Question 2 is “Yes” for at least one defendant, **then answer Question**

**3. If you answered “No” to ALL defendants listed in Question 2, stop and go to General Capacitor Claims, I, Breach of Contract.**

**3. What are Linda Zhong and/or Enertrode, Inc.’s damages?**

\$ \_\_\_\_\_

If you found damages in Question 3, **go to Question 4.** If you found no damages, **stop and go to General Capacitor Claims, I, Breach of Contract.**

**4. Did Defendants act willfully and maliciously in misappropriating trade secrets?**

As to GENERAL CAPACITOR INTERNATIONAL, INC.: Yes No

As to GENERAL CAPACITOR CO. LTD.: Yes No

As to GENERAL CAPACITOR LLC: Yes No

As to JIANPING “JIM” ZHENG: Yes No

As to WANJUN “BEN” CAO: Yes No

## **CLAIMS OF GENERAL CAPACITOR**

### **I. BREACH OF EMPLOYMENT CONTRACT**

GENERAL CAPACITOR CO. LTD., GENERAL CAPACITOR INTERNATIONAL, INC. v.  
ZHONG

1. Is Zhong liable to General Capacitor Co. Ltd. for breach of her employment contract?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

Go to Question 2.

2. Is Zhong liable to General Capacitor International, Inc. for breach of her employment contract?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

If your answer to question 1 or 2 is **yes**, then answer questions 3.

If you answered no to questions 1 and 2, **go to II. Fraud in the Inducement**, question 1.

3. What are the damages?

\$ \_\_\_\_\_

**II. FRAUD IN THE INDUCEMENT**  
**GENERAL CAPACITOR CO. LTD., GENERAL CAPACITOR INTERNATIONAL, INC. v.**  
**ZHONG, ENERTRODE, INC.**

1. Is Zhong liable to General Capacitor Co. Ltd. for fraud in the inducement?  
☐ Yes      ☐ No
2. Is Zhong liable to General Capacitor International, Inc. for fraud in the inducement?  
☐ Yes      ☐ No
3. Is Enertrode, Inc. liable to General Capacitor Co. Ltd. for fraud in the inducement?  
☐ Yes      ☐ No
4. Is Enertrode, Inc. liable to General Capacitor International, Inc. for fraud in the inducement?  
☐ Yes      ☐ No

If your answer to question 1, 2, 3, or 4 is **yes**, then answer question 5.

If you answered **no** to each of 1, 2, 3, and 4 then go to **III. Breach of Fiduciary Duty**, question 1.

5. What are the damages as to Zhong?  
\$ \_\_\_\_\_
6. What are the damages as to Enertrode, Inc.?  
\$ \_\_\_\_\_
7. Did Zhong act willfully, wantonly or with reckless disregard of the rights of General Capacitor Co. Ltd. or General Capacitor International, Inc.?  
☐ Yes      ☐ No

If your answered yes to question 7, then answer question 8;

If you answered **no**, go to **III. Breach of Fiduciary Duty**, question 1.

8. What is the amount of punitive damages that you award against Zhong?  
\$ \_\_\_\_\_

9. Did Enertrode, Inc. act willfully, wantonly or with reckless disregard of the rights of General Capacitor Co. Ltd., or General Capacitor International, Inc.?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

If you answered yes to question 9, then answer question 10;

If you answered no, go to III. Breach of Fiduciary Duty, question 1.

10. What is the amount of punitive damages that you award against Enertrode, Inc.?

\$ \_\_\_\_\_



**III. BREACH OF FIDUCIARY DUTY**  
GENERAL CAPACITOR CO. LTD, GENERAL CAPACITOR INTERNATIONAL, INC.,  
GENERAL CAPACITOR LLC v. ZHONG

1. Is Zhong liable to General Capacitor Co. Ltd. for breach of fiduciary duty?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

2. Is Zhong liable to General Capacitor International, Inc. for breach of fiduciary duty?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

3. Is Zhong liable to General Capacitor LLC for breach of fiduciary duty?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

If your answer to question 1, 2 or 3 is **yes**, then answer question 4.

If your answers to question 1, 2 and 3 are all **no**, then go to IV Tortious Interference, question 1.

4. What are the damages you award against Zhong?

\$ \_\_\_\_\_

If you answered **yes** to 1, 2 or 3, and you awarded damages, then go to Question 5.

5. Did Zhong act willfully, wantonly or with reckless disregard of the rights of General Capacitor Co. Ltd., General Capacitor International, Inc., or General Capacitor LLC?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

If your answer to question 5 is **yes**, then answer question 6.

6. What is the amount of punitive damages that you award against Zhong?

\$ \_\_\_\_\_

#### **IV. TORTIOUS INTERFERENCE**

**GENERAL CAPACITOR CO. LTD., GENERAL CAPACITOR INTERNATIONAL, INC.,  
GENERAL CAPACITOR LLC v. ZHONG, ENERTRODE, INC.**

- 1. Is Zhong liable for tortious interference with contractual relations?**

\_\_\_\_\_ Yes      \_\_\_\_\_ No

- 2. Is Zhong liable for tortious interference with prospective economic relations?**

\_\_\_\_\_ Yes      \_\_\_\_\_ No

- 3. Is Enertrode, Inc. liable for tortious interference with contractual relations?**

\_\_\_\_\_ Yes      \_\_\_\_\_ No

- 4. Is Enertrode, Inc. liable for tortious interference with prospective economic relations?**

\_\_\_\_\_ Yes      \_\_\_\_\_ No

If your answer to any of each of questions 1, 2, 3 or 4 is **yes**, then answer question 5.  
If you answered **no** to all of questions 1, 2, 3 and 4, go to V. Misappropriation of Trade Secrets, question 1.

- 5. What are the damages of General Capacitor Co. Ltd., General Capacitor, International, Inc. or General Capacitor LLC?**

\$ \_\_\_\_\_

- 6. Did Zhong act willfully, wantonly or with reckless disregard of the rights of General Capacitor Co. Ltd., General Capacitor International, Inc. or General Capacitor LLC?**

\_\_\_\_\_ Yes      \_\_\_\_\_ No

If your answer to question 6 is **yes**, then answer question 7.  
If you answered **no**, go to V. Misappropriation of Trade Secrets, question 1.

- 7. What is the amount of punitive damages that you award against Zhong?**

\$ \_\_\_\_\_

8. **Did Enertrode, Inc. act willfully, wantonly or with reckless disregard of the rights of General Capacitor Co. Ltd., General Capacitor International, Inc. or General Capacitor LLC?**

\_\_\_\_\_ Yes      \_\_\_\_\_ No

If your answer to question 8 is **yes**, then answer question 9.

If you answered **no**, go to **V. Misappropriation of Trade Secrets**, question 1.

9. **What is the amount of punitive damages that you award against Enertrode, Inc.?**

\$ \_\_\_\_\_

**V. MISAPPROPRIATION OF TRADE SECRETS**  
GENERAL CAPACITOR LLC, GENERAL CAPACITOR INTERNATIONAL, INC. v.  
ZHONG, ENERTRODE, INC.

1. Is Zhong liable to General Capacitor LLC for misappropriation of trade secrets?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

2. Is Zhong liable to General Capacitor International, Inc. for misappropriation of trade secrets?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

3. Is Enertrode, Inc. liable to General Capacitor LLC for misappropriation of trade secrets?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

4. Is Enertrode, Inc. liable to General Capacitor International, Inc. for misappropriation of trade secrets?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

If your answer to questions 1, 2, 3 or 4 is **yes**, then answer question 5.

If you answered **no** to each of questions 1, 2, 3 and 4, go to VI. Civil Theft, question 1.

5. What are the damages?

\$ \_\_\_\_\_

If you found damages, then go to question 6.

6. Did Zhong act willfully and maliciously in misappropriating trade secrets?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

7. Did Enertrode, Inc. act willfully and maliciously in misappropriating trade secrets?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

**VI. CIVIL THEFT**

**GENERAL CAPACITOR LLC, GENERAL CAPACITOR INTERNATIONAL, INC. v.  
ZHONG AND ENERTRODE, INC.**

**1. Is Zhong liable for civil theft as to General Capacitor LLC?**

\_\_\_\_\_ **Yes**      \_\_\_\_\_ **No**

**2. Is Zhong liable for civil theft as to General Capacitor International, Inc.?**

\_\_\_\_\_ **Yes**      \_\_\_\_\_ **No**

**3. Is Enertrode, Inc. liable for civil theft as to General Capacitor LLC?**

\_\_\_\_\_ **Yes**      \_\_\_\_\_ **No**

**4. Is Enertrode, Inc. liable for civil theft as to General Capacitor International, Inc.?**

\_\_\_\_\_ **Yes**      \_\_\_\_\_ **No**

If your answer to question 1, 2, 3 or 4 is **yes**, then answer question 5.

If you answered **no to all of 1, 2, 3 and 4**, go to **VII. Computer Abuse and Data Recovery Act**, question 1.

**5. What are the damages?**

**\$** \_\_\_\_\_

**VII. COMPUTER ABUSE AND DATA RECOVERY ACT**  
**GENERAL CAPACITOR CO. LTD., GENERAL CAPACITOR LLC, GENERAL**  
**CAPACITOR INTERNATIONAL, INC. v. ZHONG, ENERTRODE, INC.**

- 1. Is Zhong liable for violating the Computer Abuse and Data Recovery Act?**

\_\_\_\_\_ **Yes**      \_\_\_\_\_ **No**

- 2. Is Enertrode, Inc. liable for violating the Computer Abuse and Data Recovery Act?**

\_\_\_\_\_ **Yes**      \_\_\_\_\_ **No**

If your answer to question 1 or 2 is **yes**, then answer question 3.

If you answered **no** to both 1 and 2, go to **VIII. Breach of TLSA Contract**, question 1.

- 3. What are the damages to General Capacitor Co. Ltd., General Capacitor LLC, and General Capacitor International, Inc.?**

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**VIII. BREACH OF TLISA CONTRACT**

GENERAL CAPACITOR INTERNATIONAL, INC., GENERAL CAPACITOR CO. LTD v.  
ENERTRODE, INC.

1. **Is Enertrode, Inc. liable for breach of the TLISA contract as to General Capacitor International, Inc.?**

\_\_\_\_\_ Yes      \_\_\_\_\_ No

2. **Is Enertrode, Inc. liable for breach of the TLISA contract as to General Capacitor Co. Ltd.?**

\_\_\_\_\_ Yes      \_\_\_\_\_ No

If your answer to question 1 or 2 is **yes**, then answer question 3.

If you answered **no**, go to the bottom of the page and sign the verdict form.

3. **What are the damages?**

\$ \_\_\_\_\_

When this Special Verdict Form is completed, the jury foreperson shall sign and date the form below:

\_\_\_\_\_  
(Signature of jury foreperson)

\_\_\_\_\_  
(Date form completed)